

1 MICHAEL N. FEUER, City Attorney, SBN 111529  
2 MARY CLARE MOLITOR, Chief, Crim. & Special Lit. Branch, SBN 82404  
3 TINA HESS, Deputy Chief, Safe Neighborhoods & Gang Div., SBN 143900  
4 JONATHAN CRISTALL, Superv. Assistant City Attorney, SBN 191935  
5 NANCY C. HAGAN, Deputy City Attorney, SBN 273981  
6 Office of the Los Angeles City Attorney  
7 200 North Main Street, Room 966  
8 Los Angeles, California 90012  
9 Telephone: (213) 978-4090  
10 Fax: (213) 978-8717  
11 E-Mail: nancy.hagan@lacity.org  
12 Attorneys for Plaintiff

CONFORMED COPY  
ORIGINAL FILED  
Superior Court Of California  
County Of Los Angeles

OCT 16 2017

Sherri R. Carter, Executive Officer/Clerk

By: Marlon Gomez, Deputy

NO FEE – GOV'T CODE § 6103

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 THE PEOPLE OF THE STATE OF CALIFORNIA,

12 Plaintiff,

13 vs.

14 HYUNG YOL YU and YUNG JA YU, as individuals  
15 and as trustees of the YU FAMILY TRUST DATED  
16 MAY 7, 2013; AVALON LIQUOR INC., a California  
17 Corporation; KULWINDER SAINI, an individual;  
18 HARJIT SAINI, an individual; and DOES 1 through  
19 50, inclusive,

20 Defendants.

Case No.:

BC 679627

COMPLAINT FOR ABATEMENT  
AND INJUNCTION

[CIVIL CODE SECTION 3479, ET  
SEQ.; BUS. & PROF. CODE  
SECTION 17200, ET SEQ.]

[Unlimited Action]

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

**I. INTRODUCTION**

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California ("People"), for the purpose of abating, preventing, and enjoining a gang-related public nuisance that exists at a commercial property with addresses 8101 through 8119 S. Avalon Blvd., Los Angeles, CA 90003 (the "Property").<sup>1</sup> The Action is brought pursuant to the Public Nuisance Law ("PNL"), California Civil Code sections 3479, *et seq.*; and the Unfair Competition Law ("UCL"), California Business and Professions Code sections 17200, *et seq.*

2. The Property is located in the Florence neighborhood of South Los Angeles and extends for almost an entire block along Avalon Boulevard ("Avalon"), which runs north-south, between 81st Street and 82nd Street, both of which run west-east. Avalon is a busy thoroughfare dotted with both residential and commercial properties, while 81st Street and 82nd Street are residential streets. From north to south, the Property consists of the following: Three Star Liquor Market, whose address is commonly known as 8105 S. Avalon ("Three Star"); Central de Pintura, an auto paint and supply store whose address is commonly known as 8109 S. Avalon; a parking lot ("Parking Lot"); and a Coin Laundry Lavanderia, whose address is commonly known as 8115 S. Avalon ("Laundromat").

3. Plaintiff is informed and believes, and thereon alleges, that for at least a decade and a half, the Property has been a stronghold for the Swans criminal street gang (the "Swans"). The Swans' members and associates, often armed, "hang out" in large numbers in the Parking Lot, in front of and inside Three Star, as well as in front of and inside the Laundromat, which makes the Property an easy target for shootings by rival gangs. It is not surprising that the Swans feel at ease both inside and outside Three Star given that Plaintiff is informed and believes, and thereon alleges, that a documented member of the Swans is employed to work there behind the counter, further entrenching the Swans' presence and control over the Property. When the need arises, whether it be due to the presence of law enforcement or rival gangs, the Swans utilize Three Star and/or the Laundromat to take

---

<sup>1</sup> The legal addresses for the Property exclude 8113 and 8117 S. Avalon Blvd.

1 shelter. They also utilize the Property to stash their narcotics and firearms. Additionally, their  
2 claim on the Property is evidenced by their ever-present "tagging," which includes (but is not  
3 limited to) imposing, mural-like graffiti on the northern portion of the Parking Lot featuring a  
4 Swan with a red bandana around its neck.<sup>2</sup> (See Exhibits 1 and 2.)

5 4. The Swans' constant presence at the Property intimidates members of the  
6 surrounding community, and endangers life and limb. In just the past five years, there have  
7 been four murders, the most recent of which occurred on June 2, 2017, as well as three  
8 attempted murders, all of which occurred either inside or directly in front of Three Star. In  
9 addition, the Los Angeles Police Department ("LAPD") has made at least eighteen arrests  
10 stemming from unlawful activity occurring at the Property, and have recovered at least four  
11 firearms from the Property since March 2011. The Swans are also known to threaten, rob, and  
12 assault individuals who are not associated with their gang and dare to step foot on the  
13 Property. They accost unfamiliar individuals by demanding to know "where you from" – a way  
14 for gang members and associates to discern whether a rival has stepped into their territory.  
15 This common practice ended tragically on June 8, 2012, when Patrick Lister, who was not a  
16 gang member or an associate, was accosted by two documented Swans in front of Three Star.  
17 When Lister ignored their demand to know where he was from, they followed him into Three  
18 Star and snatched his gold chain from his neck. After Lister attempted to retrieve his property,  
19 a group of Swans surrounded him right outside of Three Star and began beating him before  
20 fatally stabbing him in the heart.

21 5. The violence and chaos at the Property occurs perilously close to four schools  
22 and three houses of worship, which are located within a half mile radius of the Property, not to  
23 mention the residences along Avalon, 81st Street, and 82nd Street.

24 6. This nuisance abatement prosecution is intended to bring the unacceptable state  
25 of affairs at the Property to a halt; to make the Property inhospitable to the gang members and  
26 associated criminals who now freely use it to intimidate and harass people in the community;  
27 and to make the Property safe for the people who live, work, and shop in the surrounding area.  
28

---

<sup>2</sup> The Swans' symbol is a swan and their color is red.

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2

?

3  
4  
5  
6  
7  
8  
9

## 1

1  
2  
3  
4  
5

1

---

1 direct Avalon Liquor's corporate policies or activities, including without limitation the hiring,  
2 direction, and termination of employees at Three Star and all other aspects of Three Star's  
3 operation. They thus have the authority to abate the nuisance activity occurring at Three Star,  
4 and have failed to exercise their responsibilities and power to employ all objectively possible  
5 means to do so.

6 11. The true names and capacities of defendants sued herein as Does 1 through 50,  
7 inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious  
8 names. When the true names and capacities of said defendants have been ascertained,  
9 Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious  
10 names the true names and capacities of said fictitiously named defendants.

11 **C. The Property**

12 12. The Property's legal addresses include 8101, 8103, 8105, 8107, 8109, 8111,  
13 8115, and 8119 S. Avalon Blvd., Los Angeles, CA 90003. The Property's legal descriptions  
14 are: "Lots 34, 35 and 36 in Block 14, of Tract No. 26, in the City of Los Angeles, County of Los  
15 Angeles, State of California, as per map recorded in book 14, page(s) 2 and 3 of maps, in the  
16 office of the County Recorder of said County. Except the Westerly 55 feet of Lots 35 and 36"  
17 and "Lots 32 and 33 in Block 14, of Tract 26, in the City of Los Angeles, County of Los  
18 Angeles, State of California, as per map recorded in book 14, page(s) 2 and 3 of maps, in the  
19 office of the County Recorder of said County" with Assessor's Parcel Numbers 6030031014,  
20 6030031029, and 6030031028.

21 **III. THE PUBLIC NUISANCE LAW**

22 13. Civil Code section 3479 defines a public nuisance as "[a]nything which is  
23 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is  
24 indecent or offensive to the senses, or an obstruction to the free use of property, so as to  
25 interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free  
26 passage or use, in the customary manner, of any . . . public park, square, street, or highway . .  
27 . ." (See *City of Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ("The Legislature has defined in  
28 general terms the word 'nuisance' in Civil Code section 3479. . . .").)

1           14. Civil Code section 3480 defines a public nuisance as "one which affects at the  
2 same time an entire community or neighborhood, or any considerable number of persons,  
3 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

4           15. In particular, gang activity, such as drug dealing, loitering, consumption of alcohol  
5 and illegal drugs, and boisterous conduct which creates a "hooligan-like atmosphere"  
6 constitutes a public nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

7           16. Civil Code section 3491 provides for the methods by which public nuisances  
8 such as those alleged herein may be abated. Civil Code section 3491 states that the  
9 "remedies against a public nuisance are indictment or information, a civil action or abatement."  
10 Abatement is "accomplished by a court of equity by means of an injunction proper and suitable  
11 to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; see also *People v.*  
12 *Selby Smelting and Lead Co.* (1912) 163 Cal.84, 90 ("[I]n California, the rule is well established  
13 that in proper cases injunctive relief which accomplishes the purposes of abatement without its  
14 harsh features is permissible.").)

15           17. Code of Civil Procedure section 731 authorizes a city attorney to bring an action  
16 to enjoin or abate a public nuisance. It provides in relevant part "[a] civil action may be brought  
17 in the name of the people of the State of California to abate a public nuisance . . . by the city  
18 attorney of any town or city in which such nuisance exists."

19           18. Where "a building or other property is so used as to make it a nuisance under the  
20 statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge  
21 that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v.*  
22 *Barbieri* (1917) 33 Cal.App. 770, 779; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165  
23 Cal.App.2d 306, 318 ("a nuisance and liability therefore may exist without negligence"); *People*  
24 *v. McCadden* (1920) 48 Cal.App. 790, 792 ("A judgment supported on findings that such  
25 nuisance was conducted and maintained on the premises in question, regardless of the  
26 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is  
27 unnecessary."); *People v. Peterson* (1920) 45 Cal.App. 457, 460 ("[I]t was not necessary . . .  
28 for the trial court to find either, that the [defendants] threatened, and unless restrained, would

1 continue to maintain, aid, and abet, the nuisance, or that they knew the building was used in  
2 violation of the act. . . . The existence of the nuisance was the ultimate fact in this case, and  
3 having been found, supports the judgment.".) This is because "the object of the act is not to  
4 punish; its purpose is to effect a reformation of the property itself." (*People v. Bayside Land*  
5 *Co.* (1920) 48 Cal.App. 257, 261.)

#### 6 IV. UNFAIR COMPETITION LAW

7 19. The practices forbidden by California's Unfair Competition Law at Business and  
8 Professions Code section 17200 *et seq.* include any practices forbidden by law, be they  
9 criminal, federal, state, municipal, statutory, regulatory or court-made. As the California  
10 Supreme Court has explained, the UCL "borrows violations of other laws and treats them as  
11 unlawful practices independently actionable under section 17200 *et seq.*" (*South Bay*  
12 *Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal  
13 citations and quotation marks omitted).) Thus, when a property owner conducts, maintains or  
14 permits a nuisance that is unlawful under the PNL to exist on the premises of such a business,  
15 it is a violation of the UCL. (See *San Francisco v. Sainez* (2000) 77 Cal.App.4th 1302, 1323.)

16 20. As proscribed by the UCL, "[a]n 'unlawful business activity' includes anything that  
17 can properly be called a business practice and that at the same time is forbidden by law."  
18 (*People v. McKale* (1979) 25 Cal.3d 626, 632.) Moreover, the UCL casts a broad net. "Any  
19 person performing or proposing to perform an act of unfair competition may be enjoined . . . ."  
20 (Bus. & Prof. Code, § 17203.) The term "person" includes "natural persons, corporations,  
21 firms, partnerships, joint stock companies, associations and other organizations of persons."  
22 (Bus. & Prof. Code, § 17201.) The courts have expanded section 17200's net beyond direct  
23 liability to include common law doctrines of secondary liability where the liability of each  
24 defendant is predicated on his or her personal participation in the unlawful practices. (*People*  
25 *v. Toomey* (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int'l Service Ass'n* (2002) 95  
26 Cal.App.4th 952, 960.)

27 21. Civil actions under the UCL may be brought in the name of the People of the  
28 State of California by any city attorney of a city having a population in excess of 750,000 (Bus.

1 & Prof. Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to  
2 section 17200 based on violations of its own municipal code, state law, or other local  
3 ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-  
4 339.)

5 22. Defendants engaging in violations of the UCL may be enjoined in any court of  
6 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or  
7 judgments, including appointment of a receiver, as may be necessary to prevent the use or  
8 employment by any person of any practice constituting unfair competition. (*Id.*)

9 23. Although no case has specifically been called upon to define the term "business"  
10 in section 17200, courts have frequently given a broad reading to the provisions of the UCL so  
11 as to effect its broad remedial purposes. (See, e.g., *Barquis v. Merchants Collection Ass'n*  
12 (1972) 7 Cal.3d 94, 111-113.) The ownership of a property that is rented out to commercial  
13 tenants is, axiomatically, a business. Additionally, recent amendments to section 17200 make  
14 clear that even a one-time act of misconduct can constitute a violation of the UCL. (*Klein v.*  
15 *Earth Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.)

16 **V. FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE**

17 **[Civil Code Section 3479, et seq. --**

18 **Against All Defendants and DOES 1 through 50]**

19 24. Plaintiff incorporates by reference Paragraphs 1 through 23 of this Complaint and  
20 makes them part of this First Cause of Action as though fully set forth herein.

21 25. The Yu Defendants, for approximately a decade and a half; the Three Star  
22 Defendants, for approximately ten months; and DOES 1 through 50 have owned, operated,  
23 occupied, used, and/or directly or indirectly permitted to be occupied and used, the Property,  
24 or portions thereof, in such a manner as to constitute a public nuisance in violation of Civil  
25 Code sections 3479 and 3480. The public nuisance, as described herein, is injurious to health,  
26 indecent or offensive to the senses, and/or an obstruction to the free use of property, so as to  
27 substantially and unreasonably interfere with the comfortable enjoyment of life or property by  
28 those persons living in the surrounding community. The public nuisance connected to the



1 Property consists of, but is not limited to: violence including murders, attempted murders,  
2 shootings, assaults with deadly weapon, batteries, and robberies; possession of illegal  
3 firearms; sales of narcotics; possession of narcotics; and the threatening and disorderly  
4 presence of gang members.

5 26. Defendants and DOES 1 through 50 in owning, conducting, maintaining, and/or  
6 permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in  
7 wrongful conduct and caused a serious threat to the general health, safety and welfare of the  
8 persons in the area surrounding the Property.

9 27. Unless Defendants and DOES 1 through 50 are restrained and enjoined by order  
10 of this Court, they will continue to use, occupy and maintain, and to aid, abet or permit, directly  
11 or indirectly, the use, occupation, and maintenance of the Property, together with the fixtures  
12 and appurtenances located therein, for the purpose complained of herein, to the great and  
13 irreparable damage of Plaintiff and in violation of California law.

14 **VI. SECOND CAUSE OF ACTION FOR UNFAIR COMPETITION**

15 **[Business and Professions Code Section 17200, *et seq.* --**

16 **Against All Defendants and DOES 1 through 50]**

17 28. Plaintiff hereby incorporates by reference paragraphs 1 through 27 of this  
18 Complaint and makes them part of this Second Cause of Action, as if fully set forth herein.

19 29. Ownership and rental of a property to commercial tenants, such as the Property,  
20 as well as the ownership and operation of a liquor store, such as Three Star, constitute  
21 businesses under the UCL. When the owners of such businesses violate the PNL such that a  
22 nuisance exists and flourishes at the business' premises, as set forth herein, it is also a  
23 violation of the UCL.

24 30. Defendants and DOES 1-50 have violated the UCL by engaging in the following  
25 unlawful or unfair business acts and practices: conducting, maintaining and/or permitting,  
26 directly or indirectly, conducting, maintaining and/or permitting, directly or indirectly, gang-  
27 related, criminal, and/or nuisance activity at the Property, as alleged herein, in violation of the  
28 PNL.

31. Plaintiff has no adequate remedy at law, and unless Defendants and DOES 1-50 are restrained by this Court and a receiver is appointed to manage the Property, they will continue to commit unlawful business practices or acts, thereby causing irreparable injury and harm to the public's welfare.

## PRAYER

**WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND DECREE AS FOLLOWS:**

AS TO THE FIRST CAUSE OF ACTION

1. That the Property, together with the fixtures and moveable property therein and thereon, be declared a public nuisance and be permanently abated as such in accordance with California Civil Code section 3491.

2. That each Defendant and their agents, officers, employees and anyone acting on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from operating, conducting, using, occupying, or in any way permitting the use of the Property as a public nuisance. Such orders should include, but not be limited to, physical and managerial improvements to the Property such as, without limitation, armed security guard(s), an internet-connected video monitoring system accessible by LAPD, secure gating of the Parking Lot, improved lighting, improved screening of the businesses that operate on the Property, improved screening of current and prospective employees of Three Star, prompt removal of graffiti, the appointment of a receiver to carry out the Court's orders, and such other orders as are appropriate to remedy the nuisance on the Property and enhance the abatement process.

3. Such costs as may occur in abating said nuisance at the Property and such other costs as the Court shall deem just and proper.

4. That Plaintiff be granted such other and further relief as the Court deems just and proper, including closure and/or demolition of the Property.

AS TO THE SECOND CAUSE OF ACTION

1. That each Defendant be declared in violation of Business and Professions Code section 17200.

1           2.     That each Defendant, as well as their agents, heirs, successors, and anyone  
2 acting on their behalf, be permanently enjoined from maintaining, operating, or permitting any  
3 unlawful or unfair business acts or practices in violation of Business and Professions Code  
4 section 17200.

5           3.     That the Court grant a preliminary and/or permanent injunction prohibiting each  
6 Defendant, as well as their agents, heirs, successors, and anyone acting on their behalf, from  
7 engaging in the unlawful or unfair acts and/or practices described herein at the Property and in  
8 the City of Los Angeles. Such orders should include physical and managerial improvements to  
9 the Property.

10          4.     That, pursuant to Business and Professions Code section 17206, each  
11 Defendant be assessed a civil penalty of \$2,500 for each and every act of unfair competition.

12          5.     That, pursuant to the Court's equitable power and Business and Professions  
13 Code section 17203, the Court make such orders or judgments, including appointment of a  
14 receiver, to eliminate the unlawful or unfair competition alleged herein.

15                               AS TO ALL CAUSES OF ACTION

16          1.     That Plaintiff recover the amount of the filing fees and the amount of the fee for  
17 the service of process or notices which would have been paid but for Government Code  
18 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the  
19 amount of the fees for certifying and preparing transcripts.

20          2.     That Plaintiff be granted such other and further relief as the Court deems just and  
21 proper.

22  
23 DATED: October 16, 2017

Respectfully submitted,

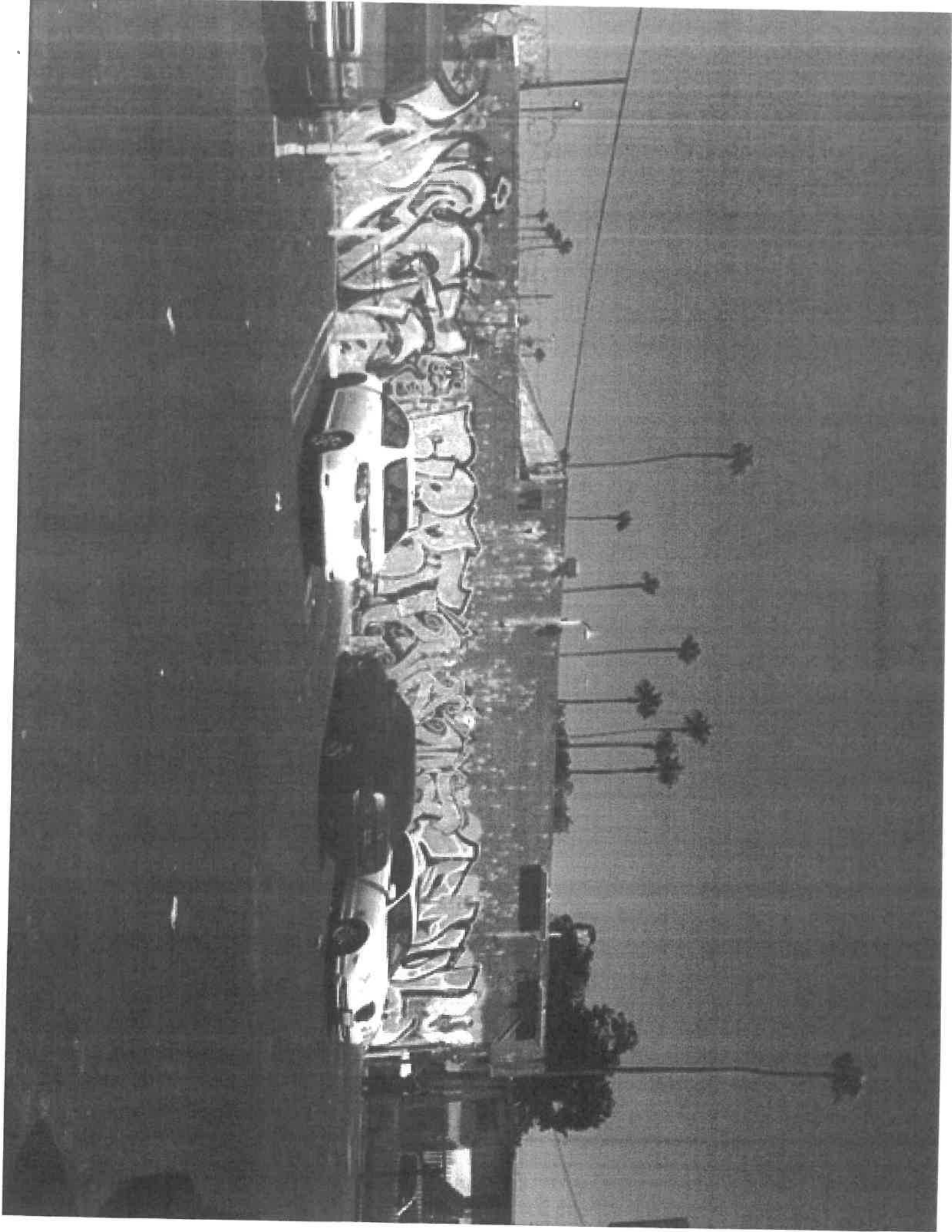
Office of the Los Angeles City Attorney

24  
25 By: 

26 NANCY C. HAGAN

27 Attorneys for Plaintiff, THE PEOPLE OF THE  
28 STATE OF CALIFORNIA

**EXHIBIT NO. 1**



**EXHIBIT NO. 2**

